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June 25, 2020

**BY ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: Curtis McDaniel v. City of New York et al., 19 Civ. 7680 (AJN) (KHP)

Your Honor:

I am the attorney in the office of James E. Johnson, Corporation Counsel of the City of New York, assigned to the above referenced matter.<sup>1</sup> This Office, writing as an Interested Party in this matter, respectfully requests that the Court adjourn the upcoming initial case management conference scheduled for July 6, 2020, by sixty (60) days in light of the absence of any served defendants. As plaintiff is currently incarcerated, this Office was unable to seek his consent to this request. However, this Office believes that plaintiff will incur no prejudice should this request be granted.

By way of background, on January 22, 2020, plaintiff filed a Second Amended Complaint in this matter naming several defendants.<sup>2</sup> See Civil Docket Sheet Entry No. 14. On February 14, 2020, the Court dismissed plaintiff's claims as to all defendants except New York City Police Department ("NYPD") Officers Nicholas Evangelista and Juan Febres. See Civil Docket Sheet Entry No. 17. Construing Plaintiff's Second Amended Complaint liberally, plaintiff appears to bring claims of false arrest and malicious prosecution against these two officers. See Civil Docket Sheet Entry No. 14.

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<sup>1</sup> Please take further notice that this case is assigned to Assistant Corporation Counsel Jessica C. Engle, who is presently awaiting admission to the Southern District of New York and is handling this matter under my supervision. Ms. Engle may be reached directly at [jengle@law.nyc.gov](mailto:jengle@law.nyc.gov).

<sup>2</sup> Plaintiff has multiple cases pending in the Southern District of New York. Apparently, two of his cases were inadvertently combined into one action. See Civil Docket Sheet Entry Nos. 10–11. On August 14, 2019, the Court issued an Order clarifying the situation. See Civil Docket Sheet Entry No. 1.

Upon information and belief, and according to the Civil Docket Sheet, defendants Evangelista and Febres have not yet been served. Accordingly, this Office will have no one to speak for at the upcoming initial conference. This Office thus respectfully requests that the upcoming conference be adjourned for sixty (60) days, which this Office believes will give sufficient time for the individual defendants to be served and to respond to plaintiff's Second Amended Complaint. At that point, the defendants will be able to meaningfully participate in a conference before the Court.

Additionally, it has come to our attention that there is a pending Civilian Complaint Review Board ("CCRB") investigation into the events underlying plaintiff's claims in this matter. This adjournment will also allow additional time for CCRB to conclude its investigation.

Thus, for the aforementioned reasons, this Office respectfully requests that the initial case management conference scheduled for July 6, 2020, be adjourned by sixty (60) days. Thank you for your consideration.

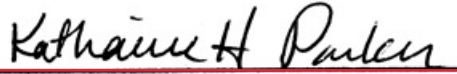
Respectfully submitted,

Carolyn K. Depoian /S/  
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Senior Counsel

cc: **BY FIRST-CLASS MAIL**  
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**APPLICATION GRANTED: The Initial Case Management Telephone Conference previously scheduled for Monday, July 6, 2020 at 10:00 a.m. is hereby adjourned to Tuesday, September 22, 2020 at 10:00 a.m. Counsel for the Defendants are directed to call the court's teleconference number with the Plaintiff on the line. Please dial (866) 434-5269, Access code: 4858267.**

**APPLICATION GRANTED**

  
**Hon. Katharine H. Parker, U.S.M.J.**  
**06/26/2020**